

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION**

**DARRELL KIMBROUGH, MSN, FNP-C,  
MARY BENARD, MSN, FNP-C and  
TINA SPOHN-LEDFORD, MSN, FNP-C,**

**Plaintiffs,**

**vs.**

**NAEEM KHAN, M.D. and  
AMARILLO URGENT CARE, LLC,**

**Defendants.**

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**CIVIL NO. 2:18-CV-00082-D**

**DEFENDANTS' MOTION IN LIMINE**

1. Any testimony or other evidence, either direct or indirect, regarding Plaintiffs' calculations regarding damages, including the "mental reconstructions" of the alleged off-the-clock hours worked by Plaintiffs using EMR time stamps. See Doc. #121, Order Adopting in Part and Rejecting in Part Magistrate Judge's Findings, Conclusions and Recommendations.

**AGREED**

**DISPUTED**

2. Any testimony or other evidence, either direct or indirect, regarding Defendants' prior counsel's (Jeremy Young) comments regarding the case as such would be irrelevant, unfairly prejudicial and hearsay in violation of Rule 401, 402, 403 and 801 of the Federal Rules of Evidence.

**AGREED**

**DISPUTED**

3. Any testimony or other evidence, either direct or indirect, regarding the pleadings and service records in the state court actions against Plaintiffs as such would be irrelevant, unfairly prejudicial and hearsay in violation of Rule 401, 402, 403 and 801 of the Federal Rules of Evidence.

**AGREED**

**DISPUTED**

4. Plaintiffs should be excluded from offering any testimony by Vicki Ellington, Melissa Chavez, Christy Kimbrough. Plaintiffs have not made proper disclosure of the subject matter on which these witnesses will testify. FED. R. CIV. P. 26, 37; Court's Scheduling Order (Doc. 122 at 8(b)).

**AGREED**

**DISPUTED**

Respectfully submitted,

COWLES & THOMPSON, PC

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**ATTORNEYS FOR DEFENDANTS**

**CERTIFICATE OF CONFERENCE**

Pursuant to Rule 7.1, Defendants conferred with Plaintiffs on the above and they are in dispute.

By: 

**CERTIFICATE OF SERVICE**

I hereby certify that on February 2, 2021 a copy of the foregoing was filed electronically using the Court's CM/ECF system and served in accordance with the Federal Rules of Civil Procedure. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept the electronic filing.

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By:   
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